

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 537**

SENATORS BOSO AND CLINE, *original sponsors*

[Originating in the Committee on Health and Human  
Resources; Reported on February 22, 2019]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §16-29B-31, relating to creating a workgroup to review the hospice standards  
3 in this state; designating members of workgroup; providing for duties of workgroup;  
4 providing that the West Virginia Health Care Authority shall provide staff for the workgroup;  
5 providing for public hearings; providing for the submission of a final report to the  
6 Legislature; establishing a termination date of the workgroup; providing a time frame for  
7 the West Virginia Health Care Authority to consider modifying the hospice standards;  
8 providing that the hospice standards in effect January 1, 2018, remain in effect until new  
9 standards are developed in accordance with this section and approved by the Governor;  
10 and providing an effective date for newly developed hospice standards.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 29B. HEALTH CARE AUTHORITY.**

**§16-29B-31. Hospice need standard review; membership; report to the Legislative Oversight Committee on Health and Human Resources.**

1 (a) The West Virginia Health Care Authority shall form a working group to review the  
2 provision of hospice services in West Virginia. The workgroup shall be comprised of the following  
3 members:

4 (1) The Chairman of the West Virginia Health Care Authority, who shall also be the chair  
5 of this workgroup;

6 (2) The Secretary of the Department of Health and Human Resources, or designee;

7 (3) The Dean of the West Virginia University School of Medicine, or designee;

8 (4) The Dean of the Marshall University, Joan C. Edwards School of Medicine, or  
9 designee;

10 (5) Six hospice providers chosen by the Hospice Council of West Virginia:

11 (A) One of whom must be a for-profit service provider;

12 (B) Two of whom must operate a free-standing inpatient hospice facility; and

13 (C) An equal number of providers selected pursuant to this subsection shall reside in each  
14 congressional district;

15 (6) One member chosen by the West Virginia chapter of the American Cancer Society;

16 (7) One member chosen by the Alzheimer's Association of West Virginia;

17 (8) One member chosen by the West Virginia Rural Health Association;

18 (9) One member chose by the West Virginia American Association of Retired Persons;

19 (10) A hospital-based hospice provider chosen by the West Virginia Hospital Association;

20 (11) One member chosen by the West Virginia Nurses Association;

21 (12) A physician chosen by the West Virginia State Medical Association with a practice  
22 treating terminal diseases; and

23 (13) A physician chosen by the West Virginia Osteopathic Medical Association whose  
24 practice includes geriatric patients.

25 (b) The workgroup shall have the following duties:

26 (1) Establish a model for data collection to best predict future the need of hospice services  
27 in West Virginia and collect the necessary data;

28 (2) Review the access to hospice services in West Virginia as well as future needs;

29 (3) Examine how West Virginia serves its population with hospice services;

30 (4) Examine the financial condition of the current delivery system;

31 (5) Recommend a need methodology to the authority for the development of new hospice  
32 services; and

33 (6) Make other recommendations the workgroup deems appropriate.

34 (c) The authority shall provide staff for the workgroup and the workgroup shall schedule  
35 one public hearing in each of the congressional districts in West Virginia as it relates to the  
36 provision of hospice services in the state. The workgroup shall develop and approve a final report  
37 by June 30, 2020, and a copy shall be submitted to the Joint Committee of Government and

38 Finance of the Legislature, the Governor, and the authority. The workgroup will sunset on March  
39 31, 2021.

40 (d) The authority shall consider modifying the hospice standards based on the report's  
41 findings no later than December 31, 2020: *Provided*, That prior to approving the modified  
42 standards, the authority shall present its proposed changes to the hospice need standards to the  
43 Legislative Oversight Committee on Health and Human Resources within 90 days after  
44 development of the drafts and prior to submission of the final hospice need standards to the  
45 Governor. The Legislative Oversight Committee on Health and Human Resources shall have 90  
46 days to review the standards and provide input to the authority, which shall consider such input  
47 when developing the final standards for submission to the Governor.

48 (e) The need standards regulating the provision of hospice services shall be those that  
49 were in effect on January 1, 2018, and shall remain in effect until the Governor approves the new  
50 standards developed pursuant to this section. Any hospice standards drafted or in any way  
51 modified pursuant to this section shall not become effective until on or after March 31, 2021.

NOTE: The purpose of this bill is to establish a workgroup to review the need standards of hospice services in this state.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.